

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

CAHILL et al.

Intl. Application No.: PCT/EP2005/001567

Application No.: 10/589,487

Intl. Filing Date: February 16, 2005

Filing Date: August 15, 2006

Title: **DIAGNOSTIC MARKER FOR CANCER**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. 1.97-1.98. Please note the following particulars: [NOTE: One only of items a, b, c, and d must be checked.]

- a. ☒ The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.
- b. ☐ The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311.

The enclosed statement is accompanied by [check one]:

- ☐ i. a certification in part (e) below as specified in 37 C.F.R. 1.97(e), or
- ☐ ii. a check in the amount required by 37 C.F.R. 1.17(p).

- c. ☐ The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311, but before payment of the issue fee.  
☐ Certification report(e) below; and  
☐ a check in the amount as required by 1.17(p).
- d. ☐ The enclosed statement is being filed pursuant to 37 C.F.R. 1.97(i), for placement in the file.
- e. Certification [Check one] [Certification is required only if box (b) (i) or box (c) is checked.]

☐ I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,

or

☐ I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

- ☐ Appropriate certification is attached.
- f. [XXX] If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.
- g. ☐ Copies of the documents are attached herewith with a completed Form PTO-1449.

or

[ ] Copies of the documents are not attached as allowed under CFR 1.98(d)(1)(2). The earlier application is identified as:

and / or

[XXX] Copies of US Patents/Publications not attached, with a completed Form PTO-1449, as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

November 8, 2006

By: 

Gary M. Nath, Reg. No. 26,965  
Tanya E. Harkins, Reg. No. 52,993  
Customer No. 20529

ct

<b>PTO FORM-1449</b> <b><u>INFORMATION DISCLOSURE</u></b> <b><u>CITATION</u></b>	In re Application of: CAHILL et al.	
	Intl. Application No: PCT/EP2005/001567	Art Unit: UNKNOWN
	Intl. Filing Date: February 16, 2005	Examiner: UNKNOWN

## U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Issue / Publication Date	Inventor	Filed
/M.N./	A1	6,486,207	26 Nov 2002	Yeager et al.	10 Dec 1998
/M.N./	A2	2002/0119463	29 Aug 2002	Faris et al.	30 Jul 2001
/M.N./	A3	2003/0108963	12 Jun 2003	Schlegel et al.	25 Jul 2002
/M.N./	A4	2003/0180738	25 Sep 2003	Rees et al.	18 Jan 2001
/M.N./	A5	2003/0185808	02 Oct 2003	Thraves et al.	30 Mar 2001
	A6				
	A7				
	A8				
	A9				

## FOREIGN PATENT DOCUMENTS

Examiner Initial		Document Number	Publication Date	Country	Translation
	A10				
	A11				
	A12				
	A13				
	A14				
	A15				
	A16				

## OTHER

/M.N./	A17	Hofmann et al: "Interactions of Benzodiazepine Derivatives with Annexins." <u>J. of Bio Chem</u> , 273(5), 2885-2894, 1998. (XP-002098631)
/M.N./	A18	Vaarala et al: "Differentially Expressed Genes in Two LNCaP Prostate Cancer Cell Lines Reflecting Changes during Prostate Cancer Progression." <u>Laboratory Investigation</u> , 80(8), 1259-1268, 2000. (XP-002225395).
/M.N./	A19	Graner et al: "The Isopeptidase USP2a Regulates the Stability of Fatty Acid Synthase in Prostate Cancer." <u>Cancer Cell</u> , 5(3), 253-261, 2004. (XP-002340626)

Examiner	Date Considered
/Meera Natarajan/	12/17/2008

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.